

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Criminal No. 5:08CR50009

ACAMBARO MEXICAN RESTAURANT, INC.  
GARCIA'S DISTRIBUTOR, INC.  
GARIBALDI MEXICAN RESTAURANT, INC.,  
Defendants.

**PRELIMINARY ORDER OF FORFEITURE**

In the forfeiture allegation of the Indictment, the United States seeks forfeiture of property of the defendants pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853 as property constituting, or derived from, proceeds of the offenses alleged in the Indictment.

On August 7, 2008, the defendants, Acambaro Mexican Restaurant, Inc., Garcia's Distributor, Inc., and Garibaldi Mexican Restaurant, pled guilty to Count One of the Indictment. Pursuant to a plea agreement entered into by the parties, \$400,000.00 in United States currency is to be forfeited. This forfeiture shall consist of sum of one hundred, forty-nine thousand, nine hundred thirty-two dollars and forty-six cents, (\$149,932.46) previously seized from the defendants, as well as the sum of two hundred, fifty-thousand, sixty-seven dollars and fifty-four cents (\$250,067.54) in lieu of the real estate described in the Indictment. The United States agrees to return all vehicles that are a party to the civil case in United States v. One 2003 White Chevrolet Van, VIN #1GCEG15X331180988, et al; Civil Case No. 08-5100, to the defendants, upon satisfaction of costs associated with seizure and storage of the vehicles. In addition, upon satisfaction of the judgment, the United States agrees to dismiss the parallel civil forfeiture

proceeding in United States v. 406 N. Bloomington, Lowell, Arkansas. et. al., Civil No. 07-5226.

By virtue of said guilty plea, the United States is entitled to possession of \$400,000.00 in United States currency pursuant to 18 U.S.C. § 982 , 21 U.S.C. § 853, and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

Accordingly, it is hereby ORDERED, DECREED and ADJUDGED:

1. That based upon the guilty plea of the defendants to Count One of the Indictment, and the forfeiture allegation, the United States is hereby authorized to seize the personal property described as:

a. The sum of one hundred, forty-nine thousand, nine hundred thirty-two dollars and forty-six cents, (\$149,932.46) of United States currency representing the amount of proceeds obtained by the defendants named herein as a result of the offenses described in Count One;

b. The remaining balance of \$250,067.54 in United States currency in lieu of the real estate described in the Indictment.

2. The United States agrees to return all vehicles that are a party to the civil case in United States v. One 2003 White Chevrolet Van, VIN#1GCEG15X331180988, et al; Civil Case No. 08-5100, to the defendants, upon satisfaction of costs associated with seizure and storage of the vehicles.

3. The United States agrees dismiss the parallel civil forfeiture proceeding in United States v. 406 N. Bloomington, Lowell, Arkansas. et. al., Civil No. 07-5226, upon satisfaction of the judgment in this matter.

4. The United States shall publish notice of this order pursuant to 18 U.S.C. § 982 (b)(1) and 21 U.S.C. § 853 (n)(1) .

5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Federal Rules of Criminal Procedure, Rule 32.2(c); 18 U.S.C. § 982 (b)(1); and 21 U.S.C. § 853(n) in which all interests will be addressed.

6. If any of the currency, as a result of any act or omission of the defendants—

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the court;

then any other property of any of the defendants up to the value of the total amount of forfeited currency shall be forfeited to the United States as substitute assets pursuant to 21 U.S.C. § 853(p).

IT IS SO ORDERED this 7 day of August, 2008.

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

AUG 07 2008

CHRIS R. JOHNSON, CLERK

BY *Paul Baer*  
DEPUTY CLERK

  
HONORABLE JIMM LARRY HENDREN  
CHIEF U.S. DISTRICT JUDGE